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9 *Attorneys for Plaintiff* ABANTE ROOTER  
10 AND PLUMBING, INC. and the alleged Class

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 **ABANTE ROOTER AND PLUMBING,**  
15 **INC.,** individually and on behalf of all others  
16 similarly situated,

17 Plaintiff,

18 v.

19 **UNLOCKED BUSINESS STRATEGIES,**  
20 **INC.,** a New York corporation, **MERCHANT**  
21 **INDUSTRY, LLC,** a New York limited  
22 liability company, and **THOMAS R. COSTA,**  
an individual,

23 Defendant.

Case No. 4:19-cv-07966-JST

**STATUS REPORT AND REQUEST TO  
VACATE CASE MANAGEMENT  
CONFERENCE**

24 Plaintiff Abante Rooter and Plumbing, Inc. (“Abante” or “Plaintiff”) respectfully provides  
25 the following status report and requests that the Court vacate the case management conference  
26 scheduled for May 26, 2020. In support of this request, Plaintiff states as follows:

27 1. Plaintiff filed its Class Action Complaint (“Complaint”) on December 4, 2019,  
28 against Unlocked Business Strategies, Inc. (“UBS”). (Dkt. 1.)

STATUS REPORT AND REQUEST TO VACATE CASE MANAGEMENT CONFERENCE

2. The Court set a Case Management Conference for March 31, 2020, at 2:00 p.m. (dkt. 9), which was continued to May 26, 2020, at 2:00 p.m. (dkt. 23).

3. On February 17, 2020, Plaintiff filed its First Amended Class Action Complaint (“FAC”, which names Thomas Costa (“Costa”) as an additional defendant. (Dkt. 15.)

4. On March 24, 2020, Plaintiff filed a Motion for Leave to File a Second Amended Complaint, which would name Defendant Merchant Industry, LLC d/b/a Swipe4Free (“Swipe4Free”) (collectively with UBS and Costa “Defendants”) as an additional defendant. (Dkt. 21.)

5. The Court granted Plaintiff’s Motion for Leave to File a Second Amended Complaint on April 17, 2020. (Dkt. 24.)

6. On April 20, 2020, Plaintiff filed its Second Amended Complaint naming Swipe4Free.

7. On April 21, 2020, the Court issued a summons directed to Swipe4Free. (Dkt. 27.) Thereafter, Plaintiff arranged for all Defendants to be served via process server.

8. Plaintiff served UBS, via its registered agent, on April 22, 2020.

9. Plaintiff served Swipe4Free on April 24, 2020.

10. Plaintiff served Costa on March 5, 2020.

11. To date, none of the Defendants have entered any appearance or reached out to Plaintiff’s counsel. Consequently, Plaintiff is currently evaluating how to proceed, including whether to seek default judgments against the Defendants.

12. Given that none of the Defendants have entered any appearance, Plaintiff is unable to meet-and-confer with defense counsel and prepare a Joint Case Management Conference Statement.

13. Consequently, Plaintiff respectfully requests that the Court vacate the Case Management Conference scheduled for May 26, 2020.

Therefore, Plaintiff respectfully requests that the Court vacate the Case Management

1 Conference and for such additional relief as the Court deems necessary and just.

2  
3 Dated: March 19, 2020

**Abante Rooter and Plumbing, Inc.**, individually  
And on behalf of all others similarly situated,

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5 By: /s/ Taylor T. Smith  
One of Plaintiff's Attorneys

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18 *Counsel for Plaintiff and the Putative Class*  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on March 19, 2020.

/s/ Taylor T. Smith